

UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 9 6 2007

IP22

NETWORX APPLIANCE/BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of

CIHLA, et al.

Application No. 10/690,924

Filed: October 21, 2003

Attorney Docket No. 20949P-001600US

TJW
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OCT 19 2007

OFFICE OF PETITIONS

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 27, 2007.

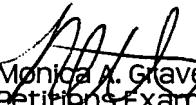
The request is APPROVED.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Jordan M. Becker on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R. 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.


Monica A. Graves
Petitions Examiner
Office of Petitions

CC: JAMES L. CIHLA
7075 BROOKTREE WAY
SAN JOSE, CA 95120

CC: LELAND WEISNER
WEISNER & ASSOCIATES
366 CAMBRIDGE AVENUE
PALO ALTO, CA 94306



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOTICE OF FINAL RULEMAKING

REVISED FEE SCHEDULE

The United States Patent and Trademark Office (USPTO) has amended the rules of practice in patent cases to adjust certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). The USPTO is adjusting the patent fee amounts under the Consolidated Appropriations Act, 2005 (Consolidated Appropriations Act), which revised certain patent fees, and provided for a search fee and examination fee separate from the filing fee. Legislation has been enacted that extends the fee rate revisions in the Consolidated Appropriations Act.

A notice was published in the *Federal Register* on August 22, 2007, and in the *Official Gazette of the United States Patent and Trademark Office* on August 28, 2007.

Any fee amount paid on or after September 30, 2007 must be paid as shown in the revised fee schedule. However, fee amounts paid on or after the following dates for the fees below are subject to the revised fee schedule:

- November 9, 2007, for 37 CFR 1.445(a)(2) and (3);
- November 10, 2007, for 37 CFR 2.6(a)(9); and
- November 15, 2007, for certain PCT fees to foreign offices.

The fee schedule is available on our Web site at www.uspto.gov. The most up-to-date fee amounts and information, as well as the complete listing and description of fees, are also available on our Web site. Any future changes to the fees will be posted to the Web site.

If you have any questions related to patents and trademarks, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.


Barry K. Hudson
Chief Financial Officer

UNITED STATES PATENT AND TRADEMARK OFFICE
Effective September 30, 2007 *

Any fee amount paid on or after September 30, 2007, must be paid as shown in the revised fee schedule.

The fees subject to reduction for small entities that have established status (37 CFR 1.27) are shown in a separate column.

For additional information, please call the USPTO Contact Center at (571) 272-1000 or (800) 786-9199.

* The effective date for the fee amounts for PCT fee codes 1602 and 1604 is November 9, 2007.

The effective date for the fee amount for Trademark fee code 7212 is November 10, 2007.

The effective date for the fee amounts for PCT fee codes 1701, 1702, and 1710 is November 15, 2007.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Application Filing Fees				
1011/2011	1.16(a)(1)	Basic filing fee - Utility <i>filed on or after December 8, 2004</i>	310.00	155.00
4011†	1.16(a)(1)	Basic filing fee - Utility (electronic filing) <i>filed on or after December 8, 2004</i>	N/A	75.00
1001/2001	1.16(a)(2)	Basic filing fee - Utility <i>filed before December 8, 2004</i>	810.00	405.00
1201/2201	1.16(h)	Independent claims in excess of three	210.00	105.00
1202/2202	1.16(i)	Claims in excess of 20	50.00	25.00
1203/2203	1.16(j)	Multiple dependent claim	370.00	185.00
1051/2051	1.16(f)	Surcharge - Late filing fee or oath or declaration	130.00	65.00
1081/2081	1.16(s)	Utility Application Size Fee - for each additional 50 sheets	260.00	130.00
1012/2012	1.16(b)(1)	Basic filing fee - Design <i>filed on or after December 8, 2004</i>	210.00	105.00
1002/2002	1.16(b)(2)	Basic filing fee - Design <i>filed before December 8, 2004</i>	360.00	180.00
1017/2017	1.16(b)(1)	Basic filing fee - Design (CPA) <i>filed on or after December 8, 2004</i>	210.00	105.00
1007/2007	1.16(b)(2)	Basic filing fee - Design (CPA) <i>filed before December 8, 2004</i>	360.00	180.00
1082/2082	1.16(s)	Design Application Size Fee - for each additional 50 sheets	260.00	130.00
1013/2013	1.16(c)(1)	Basic filing fee - Plant <i>filed on or after December 8, 2004</i>	210.00	105.00
1003/2003	1.16(c)(2)	Basic filing fee - Plant <i>filed before December 8, 2004</i>	570.00	285.00
1083/2083	1.16(s)	Plant Application Size Fee - for each additional 50 sheets	260.00	130.00
1014/2014	1.16(e)(1)	Basic filing fee - Reissue <i>filed on or after December 8, 2004</i>	310.00	155.00
1004/2004	1.16(e)(2)	Basic filing fee - Reissue <i>filed before December 8, 2004</i>	810.00	405.00
1019/2019	1.16(e)(1)	Basic filing fee - Design Reissue (CPA) <i>filed on or after December 8, 2004</i>	310.00	155.00
1009/2009	1.16(e)(2)	Basic filing fee - Design Reissue (CPA) <i>filed before December 8, 2004</i>	810.00	405.00
1204/2204	1.16(h)	Reissue independent claims in excess of three	210.00	105.00
1205/2205	1.16(i)	Reissue claims in excess of 20	50.00	25.00
1084/2084	1.16(s)	Reissue Application Size Fee - for each additional 50 sheets	260.00	130.00
1005/2005	1.16(d)	Provisional application filing fee	210.00	105.00
1085/2085	1.16(s)	Provisional Application Size Fee - for each additional 50 sheets	260.00	130.00
1052/2052	1.16(g)	Surcharge - Late provisional filing fee or cover sheet	50.00	25.00
1053	1.17(i)	Non-English specification	130.00	
Patent Search Fees				
1111/2111	1.16(k)	Utility Search Fee	510.00	255.00
1112/2112	1.16(l)	Design Search Fee	100.00	50.00
1113/2113	1.16(m)	Plant Search Fee	310.00	155.00
1114/2114	1.16(n)	Reissue Search Fee	510.00	255.00
Patent Examination Fees				
1311/2311	1.16(o)	Utility Examination Fee	210.00	105.00
1312/2312	1.16(p)	Design Examination Fee	130.00	65.00
1313/2313	1.16(q)	Plant Examination Fee	160.00	80.00
1314/2314	1.16(r)	Reissue Examination Fee	620.00	310.00
Patent Post-Allowance Fees				
1501/2501	1.18(a)	Utility issue fee	1,440.00	720.00
1502/2502	1.18(b)	Design issue fee	820.00	410.00
1503/2503	1.18(c)	Plant issue fee	1,130.00	565.00
1511/2511	1.18(a)	Reissue issue fee	1,440.00	720.00
1504	1.18(d)	Publication fee for early, voluntary, or normal publication	300.00	
1505	1.18(d)	Publication fee for republication	300.00	

† The 4000 series fee code may be used via EFS-Web at www.uspto.gov/ebc/efs/.

**PAYMENTS FROM FOREIGN COUNTRIES MUST BE PAYABLE AND IMMEDIATELY NEGOTIABLE IN THE
UNITED STATES FOR THE FULL AMOUNT OF THE FEE REQUIRED**

Fee	Code	37 CFR	Description	Fee
Trademark Processing Fees *				
6001	2.6(a)(1)(i)		Application for registration, per international class (paper filing)	375.00
7001	2.6(a)(1)(ii)		Application for registration, per international class (electronic filing)	325.00
7007	2.6(a)(1)(iii)		Application for registration, per international class (electronic filing, TEAS Plus)	275.00
6002/7002	2.6(a)(2)		Filing an Amendment to Allege Use under § 1(c), per class	100.00
6003/7003	2.6(a)(3)		Filing a Statement of Use under § 1(d)(1), per class	100.00
6004/7004	2.6(a)(4)		Filing a Request for a Six-month Extension of Time for Filing a Statement of Use under § 1(d)(1), per class	150.00
6005/7005	2.6(a)(15)		Petitions to the Director	100.00
6006	2.6(a)(19)		Dividing an application, per new application (file wrapper) created	100.00
6008/7008	2.6(a)(1)(iv)		Additional fee for application that doesn't meet TEAS Plus filing requirements, per class ..	50.00
6201/7201	2.6(a)(5)		Application for renewal, per class	400.00
6203/7203	2.6(a)(6)		Additional fee for filing renewal application during grace period, per class	100.00
6204	2.6(a)(21)		Correcting a deficiency in a renewal application	100.00
6205/7205	2.6(a)(12)		Filing § 8 affidavit, per class	100.00
6206/7206	2.6(a)(14)		Additional fee for filing § 8 affidavit during grace period, per class	100.00
6207	2.6(a)(20)		Correcting a deficiency in a § 8 affidavit	100.00
6208/7208	2.6(a)(13)		Filing § 15 affidavit, per class	200.00
6210	2.6(a)(7)		Publication of mark under § 12(c), per class	100.00
6211	2.6(a)(8)		Issuing new certificate of registration	100.00
6212/7212	2.6(a)(9)		Certificate of correction, registrant's error	100.00
6213	2.6(a)(10)		Filing disclaimer to registration	100.00
6214	2.6(a)(11)		Filing amendment to registration	100.00
6401/7401	2.6(a)(16)		Petition for cancellation, per class	300.00
6402/7402	2.6(a)(17)		Notice of opposition, per class	300.00
6403/7403	2.6(a)(18)		Ex parte appeal, per class	100.00
Trademark Madrid Protocol Fees *				
6901/7901	7.6(a)(1)		International application based on single application or registration, per class	100.00
6902/7902	7.6(a)(2)		Certifying an International application based on more than one basic application	150.00
6903/7903	7.6(a)(3)		Transmitting a Request to Record an Assignment or restriction under § 7.23 or 7.24	100.00
6904/7904	7.6(a)(4)		Filing a Notice of Replacement, per class	100.00
6905/7905	7.6(a)(5)		Filing an affidavit under § 71 of the Act	100.00
6906/7906	7.6(a)(6)		Surcharge for filing affidavit under § 71 of the Act during grace period, per class	100.00
6907/7907	7.6(a)(7)		Transmitting a subsequent designation	100.00
Trademark Service Fees				
8501	2.6(b)(1)		Printed copy of registered mark, delivery by USPS, USPTO Box, or electronic means	3.00
8503	2.6(b)(4)(i)		Certified copy of registered mark, with title and/or status, regular service	15.00
8504	2.6(b)(4)(ii)		Certified copy of registered mark, with title and/or status, expedited local service	30.00
8507	2.6(b)(2)		Certified copy of trademark application as filed	15.00
8508	2.6(b)(3)		Certified or uncertified copy of trademark-related file wrapper and contents	50.00
8513	2.6(b)(5)		Certified or uncertified copy of trademark document, unless otherwise provided	25.00
8514	2.6(b)(7)		For assignment records, abstracts of title and certification per registration	25.00
8902	2.6(b)(9)		Self-service copy charge, per page	0.25
8521	2.6(b)(6)		Recording trademark assignment, agreement or other paper, first mark per document	40.00
8522	2.6(b)(6)		For second and subsequent marks in the same document	25.00
8523	2.6(b)(10)		Labor charges for services, per hour or fraction thereof	40.00
8524	2.6(b)(11)		Unspecified other services, excluding labor	AT COST
Fastener Quality Act Fees				
6991	2.7(a)		Recordal application fee	20.00
6992	2.7(b)		Renewal application fee	20.00
6993	2.7(c)		Late fee for renewal application	20.00

* The 7000 series fee code (e.g., 7001, 7002, etc.) is used for electronic filings via TEAS, which is available at www.uspto.gov/teas/. In addition, the 6000 series fee codes under the Trademark Madrid Protocol Fees are being offered for use as a paper-based filing alternative.

Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
Patent Maintenance Fees				
1551/2551	1.20(e)	Due at 3.5 years	930.00	465.00
1552/2552	1.20(f)	Due at 7.5 years	2,360.00	1,180.00
1553/2553	1.20(g)	Due at 11.5 years	3,910.00	1,955.00
	1.20(h)	Surcharge - Late payment within 6 months	130.00	65.00
1557	1.20(i)(1)	Surcharge after expiration - Late payment is unavoidable	700.00	
1558	1.20(i)(2)	Surcharge after expiration - Late payment is unintentional	1,640.00	
Miscellaneous Patent Fees				
1801/2801	1.17(e)	Request for Continued Examination (RCE) (see 37 CFR 1.114)	810.00	405.00
1808	1.17(i)	Processing fee, except in provisional applications	130.00	
1803	1.17(i)	Request for voluntary publication or republication	130.00	
1802	1.17(k)	Request for expedited examination of a design application	900.00	
1804	1.17(n)	Request for publication of SIR - Prior to examiner's action	920.00*	
1805	1.17(o)	Request for publication of SIR - After examiner's action	1,840.00*	
1806	1.17(p)	Submission of an Information Disclosure Statement	180.00	
1807	1.17(q)	Processing fee for provisional applications	50.00	
1809/2809	1.17(r)	Filing a submission after final rejection (see 37 CFR 1.129(a))	810.00	405.00
1810/2810	1.17(s)	For each additional invention to be examined (see 37 CFR 1.129(b))	810.00	405.00
Post Issuance Fees				
1811	1.20(a)	Certificate of correction	100.00	
1812	1.20(c)(1)	Request for ex parte reexamination	2,520.00	
1813	1.20(c)(2)	Request for inter partes reexamination	8,800.00	
1821/2821	1.20(c)(3)	Reexamination independent claims in excess of three	210.00	105.00
1822/2822	1.20(c)(4)	Reexamination claims in excess of 20	50.00	25.00
1814/2814	1.20(d)	Statutory disclaimer	130.00	65.00
Patent Extensions of Time Fees				
1251/2251	1.17(a)(1)	Extension for response within first month	120.00	60.00
1252/2252	1.17(a)(2)	Extension for response within second month	460.00	230.00
1253/2253	1.17(a)(3)	Extension for response within third month	1,050.00	525.00
1254/2254	1.17(a)(4)	Extension for response within fourth month	1,640.00	820.00
1255/2255	1.17(a)(5)	Extension for response within fifth month	2,230.00	1,115.00
Patent Appeals/Interference Fees				
1401/2401	41.20(b)(1)	Notice of appeal	510.00	255.00
1402/2402	41.20(b)(2)	Filing a brief in support of an appeal	510.00	255.00
1403/2403	41.20(b)(3)	Request for oral hearing	1,030.00	515.00
Patent Petition Fees				
1462	1.17(f)	Petitions requiring the petition fee set forth in 37 CFR 1.17(f) (Group I)	400.00	
1463	1.17(g)	Petitions requiring the petition fee set forth in 37 CFR 1.17(g) (Group II)	200.00	
1464	1.17(h)	Petitions requiring the petition fee set forth in 37 CFR 1.17(h) (Group III)	130.00	
1451	1.17(j)	Petition to institute a public use proceeding	1,510.00	
1452/2452	1.17(l)	Petition to revive unavoidably abandoned application	510.00	255.00
1453/2453	1.17(m)	Petition to revive unintentionally abandoned application	1,540.00	770.00
1454	1.17(t)	Acceptance of an unintentionally delayed claim for priority, or for filing a request for the restoration of the right of priority	1,410.00	
1455	1.18(e)	Filing an application for patent term adjustment	200.00	
1456	1.18(f)	Request for reinstatement of reduced term	400.00	
1457	1.20(j)(1)	Extension of term patent	1,120.00	
1458	1.20(j)(2)	Initial application for interim extension (see 37 CFR 1.790)	420.00	
1459	1.20(j)(3)	Subsequent application for interim extension (see 37 CFR 1.790)	220.00	

* Reduced by basic filing fee paid.

Fee Code	37 CFR	Description	Fee
<u>Patent Service Fees</u>			
8001	1.19(a)(1)	Printed copy of patent w/o color, delivery by USPS, USPTO Box, or electronic means	3.00
8003	1.19(a)(2)	Printed copy of plant patent in color	15.00
8004	1.19(a)(3)	Color copy of patent (other than plant patent) or SIR containing a color drawing	25.00
8005	1.19(a)(1)	Patent Application Publication (PAP)	3.00
8007	1.19(b)(1)(i)(A)	Copy of patent application as filed	20.00
8008	1.19(b)(1)(i)(B)	Copy of patent-related file wrapper and paper contents of 400 or fewer pages	200.00
8009	1.19(b)(1)(i)(C)	Each additional 100 pages of patent-related file wrapper and (paper) contents, or portion thereof	40.00
8010	1.19(b)(1)(i)(D)	Certification of patent-related file wrapper and (paper) contents	25.00
8011	1.19(b)(1)(ii)(B)	Copy of patent-related file wrapper and contents if provided electronically or on a physical electronic medium as specified in § 1.19(b)(1)(ii)	55.00
8012	1.19(b)(1)(ii)(C)	Each continuing physical electronic medium in single order of § 1.19(b)(1)(ii)(B)	15.00
8041	1.19(b)(2)(i)(A)	Copy of patent-related file wrapper contents, other than as available in § 1.19(b)(1); first physical electronic medium in a single order	55.00
8042	1.19(b)(2)(i)(B)	Each continuing copy of patent-related file wrapper and contents as specified in § 1.19(b)(2)(i)(A)	15.00
8043	1.19(b)(2)(ii)	Copy of patent-related file wrapper contents other than as available in § 1.19(b)(1); provided electronically other than on a physical electronic medium	55.00
8013	1.19(b)(3)	Copy of office records, except copies of applications as filed	25.00
8014	1.19(b)(4)	For assignment records, abstract of title and certification, per patent	25.00
8904	1.19(c)	Library service	50.00
8015	1.19(d)	List of U.S. patents and SIRs in subclass	3.00
8016	1.19(e)	Uncertified statement re status of maintenance fee payments	10.00
8017	1.19(f)	Copy of non-U.S. document	25.00
8050	1.19(g)	Petitions for documents in form other than that provided by this part, or in form other than that generally provided by Director, to be decided in accordance with merits	AT COST
8019	1.21(d)	Local delivery box rental, annually	50.00
8020	1.21(e)	International type search report	40.00
8902	1.21(g)	Self-service copy charge, per page	0.25
8021	1.21(h)	Recording each patent assignment, agreement or other paper, per property	40.00
8022	1.21(i)	Publication in <i>Official Gazette</i>	25.00
8023	1.21(j)	Labor charges for services, per hour or fraction thereof	40.00
8024	1.21(k)	Unspecified other services, excluding labor	AT COST
8025	1.21(l)	Retaining abandoned application	130.00
8026	1.21(n)	Handling fee for incomplete or improper application	130.00
8027	1.296	Handling fee for withdrawal of SIR	130.00

GENERAL FEES

<u>Finance Service Fees</u>			
9201	1.21(b)(1) or 2.6(b)(13)(i)	Establish deposit account	10.00
9202	1.21(b)(2) or 2.6(b)(13)(ii)	Service charge for below minimum balance	25.00
9202	1.21(b)(3)	Service charge for below minimum balance restricted subscription deposit account	25.00
9101	1.21(m) or 2.6(b)(12)	Processing each payment refused or charged back	50.00

<u>Computer Service Fees</u>		
8031/8531	Computer records	AT COST

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Fee Code	37 CFR	Description	Fee	Small Entity Fee (if applicable)
PCT Fees - National Stage				
1631/2631	1.492(a)	Basic National Stage Fee	310.00	155.00
1641/2641	1.492(b)(2)	National Stage Search Fee - U.S. was the ISA	100.00	50.00
1642/2642	1.492(b)(3)	National Stage Search Fee - search report prepared and provided to USPTO	410.00	205.00
1632/2632	1.492(b)(4)	National Stage Search Fee - all other situations	510.00	255.00
1633/2633	1.492(c)(2)	National Stage Examination Fee - all other situations	210.00	105.00
1614/2614	1.492(d)	Claims - extra independent (over three)	210.00	105.00
1615/2615	1.492(e)	Claims - extra total (over 20)	50.00	25.00
1616/2616	1.492(f)	Claims - multiple dependent	370.00	185.00
1681/2681	1.492(j)	National Stage Application Size Fee - for each additional 50 sheets	260.00	130.00
1617/2617	1.492(h)	Oath or declaration after 30 months from priority date	130.00	65.00
1618	1.492(i)	English translation after 30 months from priority date	130.00	
PCT Fees - International Stage				
1601	1.445(a)(1)	Transmittal fee	300.00	
1602	1.445(a)(2)	Search fee - regardless of whether there is a corresponding application (see 35 U.S.C. 361(d) and PCT Rule 16)	1,800.00	
1604	1.445(a)(3)	Supplemental search fee when required, per additional invention	1,800.00	
1605	1.482(a)(1)	Preliminary examination fee - U.S. was the ISA	600.00	
1606	1.482(a)(1)	Preliminary examination fee - U.S. was not the ISA	750.00	
1607	1.482(a)(2)	Supplemental examination fee per additional invention	600.00	
1619		Late payment fee	VARIABLE	
1621		Transmitting application to Intl. Bureau to act as receiving office	300.00	
PCT Fees to Foreign Offices *				
1701		International filing fee (first thirty pages) - PCT Easy	1,080.00	
1702		International filing fee - (first thirty pages)	1,163.00	
1703		Supplemental international filing fee (for each page over thirty)	12.00	
1704		International search (EPO)	2,197.00	
1705		Handling fee	155.00	
1706		Handling fee - 75% reduction, if applicant(s) meets criteria specified at: www.wipo.int/pct/en/fees/fee_reduction.pdf	38.75	
1708		International CD applications	4,800.00	
1709		International search (KIPO)	232.00	
1710		International filing fee (first 30 pages) – filed electronically w/ PCT Easy file	997.00	
Patent Enrollment Fees				
9001	1.21(a)(1)(i)	Application fee (non-refundable)	40.00	
9003	1.21(a)(2)	Registration to practice or grant limited recognition under §11.9(b) or (c) ...	100.00	
9004	1.21(a)(3)	Reinstatement to practice.....	40.00	
9005	1.21(a)(4)	Certificate of good standing as an attorney or agent	10.00	
9006	1.21(a)(4)	Certificate of good standing as an attorney or agent, suitable for framing	20.00	
9010	1.21(a)(1) (ii)(A)	For test administration by commercial entity	200.00	
9011	1.21(a)(1) (ii)(B)	For test administration by the USPTO.....	450.00	
9012	1.21(a)(5)(i)	Review of decision by the Director of Enrollment and Discipline under §11.2(c)	130.00	
9013	1.21(a)(5)(ii)	Review of decision of the Director of Enrollment and Discipline under §11.2(d)	130.00	
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